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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,374	10/14/2003	Craig Bonsignore	CRD-5054	4420
27777	7590	11/28/2007		
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			EXAMINER YABUT, DIANE D	
			ART UNIT 3734	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/685,374

Applicant(s)

BONSIGNORE, CRAIG

Examiner

Diane Yabut

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007 and 03 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5 September 2007 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wisselink** (U.S. Patent No. **5,984,955**) in view of **Levine** (U.S. Pub. No. **20040220682**).

Claim 1: Wisselink discloses the claimed device including a main trunk **12a** having first and second ends, first and second stent-anchors **18** associated with said main trunk, the first and second stent-anchors securing the first and second

ends of the main trunk, the first and second stent anchors being positioned so as to remain completely within the main trunk, a graft extension **14** extending from and integral to said trunk, the graft extension being permanently attached to the main trunk a bypass graft **40** in fluid communication with the graft extension, and an internal anchor **20**, the internal anchor being positioned within the graft extension configured to exert an outward force inserting a graft coupling device having a main trunk and a graft extension in a main vessel having an incision such that said graft extension protrudes from said extension, sealing said main trunk to said main vessel with anchors, placing a bypass graft over a portion of said graft extension (Figures 2C, col. 4, lines 42-67, col. 7, lines 39-67), except for an external anchor, said internal anchor and said external anchor sealing said graft extension and said bypass vessel, and the external anchor being positioned outside of the bypass graft and configured to exert an inward force.

Levine teaches an external anchor **314** and an internal anchor **312**, said internal anchor and said external anchor cooperating to seal said graft extension and said bypass vessel, said external anchor being positioned outside of the bypass graft or vessel and configured to exert an inward force (Figure 18 and page 8, paragraphs 85-86). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wisselink by providing cooperating internal and external anchors, as taught by Levine, since it was known in the art that coupling ends in anastomosis with opposing expandable/collapsible forces provides a secure engagement between ends of conduits in providing double the

amount of force as with just one expandable/collapsible stent anchor, as well as facilitates connection without the use of messy chemical or fusing agents.

Claim 2: Wisselink discloses said bypass graft comprising an artificial graft **16** or a donor vessel (col. 7, lines 39-67).

Claim 3: Wisselink discloses said bypass graft extending over said graft extension and wherein said internal anchor is disposed in said graft extension in an area at least partially overlapped by said bypass vessel (col. 7, lines 39-67).

Claim 4: Wisselink discloses the claimed device except for said external anchor being integral with said bypass graft in an area which at least partially overlaps said bypass vessel.

Levine teaches said external anchor **314** being integral with said bypass vessel in an area which at least partially overlaps said bypass vessel or graft **312** (Figure 18 and page 8, paragraphs 85-86). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Wisselink by providing an external anchor being integral with said bypass vessel, as taught by Levine, since it was known in the art that coupling ends in anastomosis with devices that overlap the conduits provides a secure engagement between ends of conduits and may be easily disposed over and removed from the bypass vessel.

Claim 7: Wisselink discloses said first and second stent-anchors **18** are disposed in an interior area of said main trunk on opposite ends of said graft extension (Figure 2c).

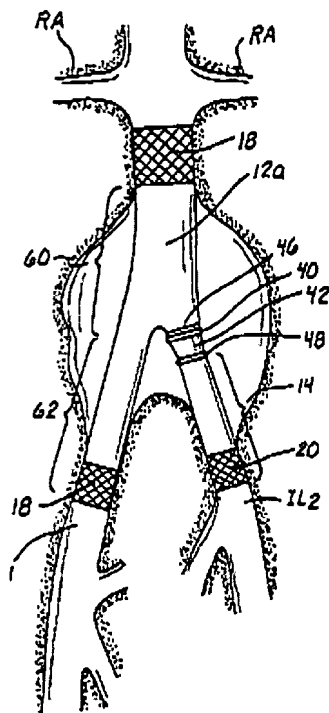
Claim 8: Wisselink discloses said first and second stent-anchors exerting an outward force to seal said main trunk in a main vessel (col. 7, lines 49-52).

Claim 9: Wisselink discloses said first and/or second stent-anchors comprising a plastically deformable material (col. 1, lines 52-67).

### ***Response to Arguments***

2. Applicant's arguments filed 03 August 2007 have been fully considered but they are not persuasive.
3. Applicant argues that none of the prior art discloses or suggests a main trunk with stent anchors that are placed wholly within the main trunk, or a graft extension being permanently affixed to the main trunk. The examiner disagrees.

Below is Figure 2C of Wisselink:



Sections 60 and 62 can be considered the "main trunk," and section 14 a separate graft extension section. Also, once graft extension 14 is deployed (also see Figures 2A-2B), it is considered to be "permanently attached to the main trunk."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane Yabut whose telephone number is (571) 272-6831. The examiner can normally be reached on M-F: 9AM-4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MICHAEL J. HAYES  
SUPERVISORY PATENT EXAMINER